

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JILL KATZ and MICHAEL KATZ, as
Administrators of the Estate of SARAH
KATZ, Deceased

Plaintiffs,

v.

PANERA BREAD COMPANY and
PANERA, LLC

Defendants.

Civil No.: 2:23-cv-04135-TJS

**PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANTS'
MOTION TO DISMISS PLAINTIFFS' COMPLAINT**

Defendants Panera Bread Company and Panera, LLC have moved to dismiss Plaintiffs' Complaint. Defendants' motion to dismiss is fatally flawed for several reasons. Namely, they adopt a self-serving and inaccurate interpretation of the facts in Plaintiffs' Complaint. But when viewing the factual allegations in the light most favorable to Plaintiffs, as required by law, Plaintiffs have set for *prima facie* claims for strict products liability, negligence, misrepresentation, and breach of warranty. Their wrongful death and survival action pleads sufficient facts to progress this case to the discovery stages. For the reasons set forth in the accompanying Memorandum of Law, incorporated by reference herein, Defendants' Motion to Dismiss Plaintiffs' Complaint should be denied.

WHEREFORE, Plaintiffs respectfully request this Court deny Defendants' motion to dismiss.

Respectfully Submitted:

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